



# Staff Report BZA16-002-SE

## Fuel Farm- Special Exception

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**Docket BZA16-002-SE - Special Exception – Fuel Farm.** The petitioner is requesting approval of a Special Exception for the purpose of allowing an accessory use for fuel storage behind the existing Valenti-Held Corporate headquarters and maintenance facility. The property is currently zoned I-2 General Industry and is located at Lot 20 of the Perry Industrial Park II, Section 2. The property is addressed as 3961 Perry Boulevard, Whitestown. The petitioner is Innovative Engineering & Consulting and the property owner is JRV Investment Group LLC.

### Site Location

The site is located on lot 20 in the Perry Industrial Park II, Sec 2; south of Perry Boulevard. Currently, the property is privately owned by Valenti-Held Corporate headquarters.

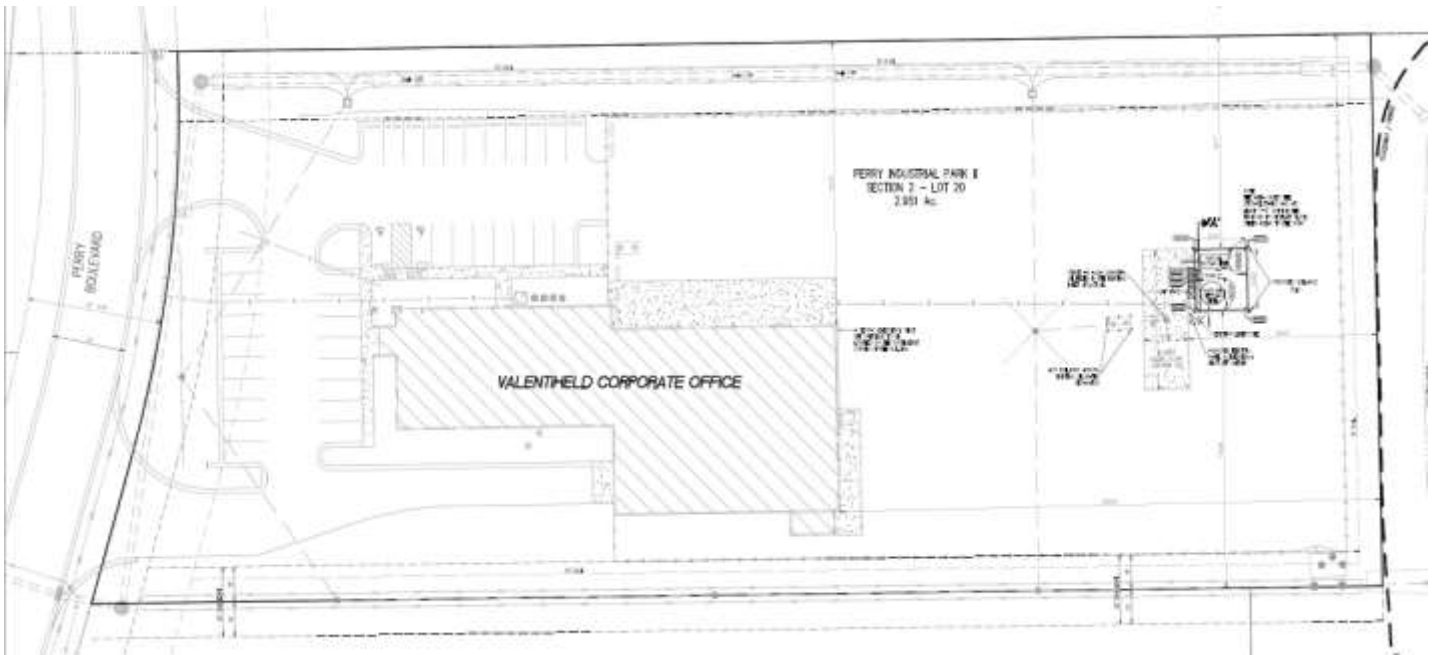


## History

- The Perry Industrial Park area was rezoned by Boone County in 1998 (APC file 97PE-16-574) by Ordinance 98-15. Multiple properties were rezoned without conditions from AG- Agriculture, AB-Accommodation Business, and I-1- Light Industry zoning districts to multiple new districts I-1- Light Industry, I-2- General Industry, AB-Accommodation Business, LB- Local Business, and R-3- Medium density single family and two-family residential.
- Perry Industrial Park II subdivision was approved shortly thereafter by Boone County, and prior to 2000. The development contains 120 acres of industrial-zoned property.
- The subject property (Lot 20) was rezoned from I-1- Light Industry to I-2- General Industry in July 2012 with commitments limiting land uses and development standards that mirror the covenants of the Industrial Park.
- The site then received development plan approval in late 2014 Docket PC14-014-DP.
  - This waived the commitments that required parking and loading areas to be paved, and that no parcel shall be permitted to have more than one curb cut onto a street in Perry Industrial Park.
  - The development plan had the intentions of maintenance building expansion or additional fuel storage.

## Proposed Land Use and Site Plan

The proposed special exception use is an accessory use to the existing primary building. The site is zoned I-2 General Industrial which allows for the construction of a fuel farm. The fuel farm will be constructed to the National Fire Protection Agency standards and proper design. An oil separator, fueling pad and electrical supply were all installed during construction of the office/maintenance facility in 2014-2015. An existing security fence surrounds the stone lot and will be for private use only- the fuel is not intended to be sold to the general public. Ingress/Egress will be through the existing gate located east of the building. The site plan is shown below:



## Staff Comments

- I-2- General Industrial zoning is designed and located in the Perry Industrial Park which is primarily zoned I-1 or I-2. The neighboring parcels coincide with similar industrial uses.
- The petitioner and Fire Chief have mitigated NFPA Code 30: Flammable and Combustible Liquids Code- as a fuel farm such as this would need to meet code.
- The Fuel Farm (Petroleum Tank Farm) as listed in the Whitestown UDO as a Permitted Conditional Use will be an accessory use as the primary structure (Valenti-Held HQ) will not change.

## Decision Criteria

Per the Zoning Ordinance, *Section XII.C.5.b* the Board of Zoning Appeals shall use the following decision criteria, consistent with the requirements of the Indiana Code IC 36-7-4-918.2, when taking action on all variance requests:

- The establishment, maintenance, or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, or general welfare.  
*The fuel farm is an allowable use in the I-2 zoning. Safety precautions will be provided in accordance with all state and local requirements.*
- The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.  
*The surrounding properties are zoned I-1 & I-2. The fuel farm will be located centrally in the existing stone lot on the southern portion of the site. The stone lot is fenced and secured. Other fuel farms in the area have proven to not be a detriment.*
- The establishment of the special exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the district.  
*The surrounding properties are zoned I-1 & I-2. A fuel farm is a permitted use in such zoning. Therefore, this project will not have a detrimental impact on the surrounding properties. There currently are other fuel farms in the area.*
- Adequate utilities, access road, drainage, and other necessary facilities have been or are being provided.  
*Utilities, access and drainage were all designed and installed as part of the project scope of the existing building and stone lot which was constructed in 2014-2015. The tanks will be installed in an impoundment/containment area to be consisting of a concrete floor and walls capable of containing any spills required by USEPA regulations.*
- Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion on the public roadways.  
*The proposed fuel farm is located on the applicant's private property approximately 490' from the nearest public roadway and will not create and increase in existing traffic.*
- The special exception will be located in a district where such use is permitted and all other requirements set forth in the Ordinance that are applicable to such use will be met.  
*The project site is zoned I-2. A fuel farm is a permitted use in such zoning. All work will be done to meet the requirements set forth in the ordinance.*

## **Staff Recommendations**

Staff recommends that the BZA approve the Special Exception Docket BZA16-002-SE.